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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,087	02/17/2004	Matthew W. Starks	65856-0054	9884
10/29/759005/13/2010 RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS, MI 48304-0610				
EXAMINER BEAMER, TEMICA M				
ART UNIT 2617		PAPER NUMBER		
MAIL DATE 05/13/2010		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/780,087

**Applicant(s)**

STARKS ET AL.

**Examiner**

TEMICA M. BEAMER

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 26-31, 35 and 37-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 26-31, 35, 37-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10/30/2009 and 2/5/2010, with respect to the rejection(s) of claim(s) 1-48 under 112 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Suzuki, GB 2 386 952 A.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-11, 26-39 and 43-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki.

Regarding claims 1 and 38, Suzuki discloses a system and method for viewing measurements remotely, comprising: a processor (3) that is connected to a first wireless communications device (receiver), the processor and the first wireless communications device being external to an equipment (automobile) (page 12, lines 9-12); wherein the processor is programmed to retrieve, via the first wireless communications device, directly and not via a controller in the equipment, at least one measurement from a second wireless communications device (transmitter) connected to at least one

measurement device (61) (page 10, lines 17-18, page 11, lines 23-26; see figures 1 and 4).

Regarding claims 2 and 39, Suzuki discloses wherein the measurement represents at least one output from a sensor (page 9, line 24-page 10, line 1).

Regarding claim 3, Suzuki discloses the system of claim 1, further comprising a user interface connected to the processor (i.e., a keyboard inherent to a desktop or notebook computer).

Regarding claim 6, Suzuki discloses the system of claim 1, wherein the processor is included in a computer that is selected from the group consisting of a custom-designed computing device, a desktop personal computer, a laptop personal computer, a handheld computer, and a java-enabled portable computing device (page 12, lines 9-12; figure 1).

Regarding claim 7, Suzuki discloses the system of claim 1, further comprising a wireless network (figures 1 and 4).

Regarding claims 8 and 44, Suzuki discloses the system of claim 7, wherein the wireless communications device sends signals to the measurement device via the wireless network (page 22, lines 7-12).

Regarding claim 9, the system of claim 7, wherein the measurement device sends signals to the wireless communications device via the wireless network (figures 1 and 4).

Regarding claims 10 and 46, Suzuki discloses wherein the measurement device is selected from the group consisting of a gauge and a transducer (page 9, lines 30-32).

Regarding claims 11 and 45, Suzuki discloses the system of claim 1, wherein the wireless communications device is selectively attached to at least one second measurement output device (page 8, line 30-page 9, line 15).

Regarding claim 26, Suzuki discloses a system for viewing measurements remotely, comprising: a first processor (3) that is connected to a wireless communications device (receiver) (page 12, lines 9-12); at least one sensor that provides at least one output related to a component in an equipment (page 9, lines 26-32); and at least one measurement device comprising a second processor programmed to (1) receive an input from the sensor and (2) wirelessly communicate directly, and not through a controller in the equipment, with the first processor via the wireless communications device (page 10, lines 19-26), wherein the first processor is external to the equipment and is programmed to retrieve measurements from the measurement device via the wireless communications device (page 10, lines 17-18, page 11, lines 23-26; figures 1 and 4).

Regarding claim 27, Suzuki discloses the system of claim 26, wherein the component is a component in a vehicle (page 9, lines 1-4).

Regarding claim 28, Suzuki discloses the system of claim 26, wherein the at least one sensor is a plurality of sensors (page 8, lines 30-32).

Regarding claim 29, Suzuki discloses the system of claim 26, wherein the at least one measurement device is a plurality of measurement devices (page 8, lines 30-32).

Regarding claim 30, Suzuki discloses the system of claim 1, wherein the measurement relates to a component in the equipment (page 8, line 30-page 9, line 4).

Regarding claim 31, Suzuki discloses the system of claim 1, wherein the equipment is a vehicle (page 9, lines 1-4).

Regarding claim 35, Suzuki discloses the system of claim 1, wherein the at least one measurement device is selectively detachably connected to a component in the equipment (page 9, lines 10-15).

Regarding claim 37, Suzuki discloses the system of claim 26, wherein the at least one measurement device is selectively detachably connected to the component (page 9, lines 10-15).

Regarding claim 47, Suzuki discloses the method of claim 38, further comprising selectively attaching the second wireless communications device to at least one second measurement device (page 9, lines 10-15).

Regarding claim 48, Suzuki discloses the method of claim 38, further comprising selectively detachably connecting the at least one measurement device to a component in the equipment (page 9, lines 10-15).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki.

Regarding claims 4 and 40, Suzuki discloses the system/method of claim 1 as described above. Suzuki, however, fails to disclose wherein the processor of claims 1 and 38 is further programmed to configure the measurement device by sending a communication.

Suzuki does disclose, however, a second processor that configures (calibrates) the measurement by sending inherently a communication (page 11, lines 27-30).

Although the first processor (3) does not perform the calibration, it is known that processors can configure a measurement device as shown.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to implement the configuring in processor (3) as such implementation would require only routine skill.

Regarding claims 5 and 42, Suzuki discloses the system/method of claims 1 and 38 as described above. Suzuki, however, fails to disclose, wherein the processor of claims 1 and 38 is further programmed to perform at least one of: displaying data that has been retrieved from the measurement device, analyzing data that has been retrieved from the measurement device, and storing data that has been retrieved from the measurement device.

Suzuki does disclose, however, a second processor that is further programmed to perform at least one of: displaying data that has been retrieved from the measurement device, analyzing data that has been retrieved from the measurement

device, and storing data that has been retrieved from the measurement device (page 10, line 27-page 11, line 12).

Although the first processor (3) does not perform the steps of displaying, analyzing and storing as described, it is known that processors can perform such functions as shown.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to implement the steps of displaying, analyzing and storing in processor (3) as such implementation would require only routine skill.

Regarding claim 41, Suzuki as modified discloses the method of claim 40, wherein the third communication is sent before the first communication (page 5, lines 2-4).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wilson et al, U.S. Patent No. 6,941,202, discloses diagnostics/prognostics using wireless links.

Shimamoto et al, U.S. Patent No. 6,950,020, discloses a surveillance system, method of controlling sensor apparatus and surveillance remote controller.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TEMICA M. BEAMER whose telephone number is



(571)272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Temica M. Beamer/  
Primary Examiner, Art Unit 2617